

27 OCT 1971

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Sectional Analysis of Certain Provisions of H. R. 9910,
Foreign Assistance Act of 1971, as reported by Senate
Foreign Relations Committee 20 October 1971

Bill: Page 34, line 1.

Provision: New section 512 of the Foreign Assistance Act requires, beginning with FY 1973, that all military assistance for Thailand, Laos or South Vietnam be authorized in legislation under the jurisdiction of the Foreign Relations and Foreign Affairs Committees.

Comment: Presumably, "military assistance to Laos" includes both the Laos irregular program budgeted by and appropriated to the Agency under its permanent authorization (section 8, P.L. 81-110) and the

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Position: The Department of Defense will recommend that the provision be deleted.

State Dept. declassification & release instructions on file

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Bill: Page 34, line 8.

Provision: New section 513 of the Foreign Assistance Act requires specific congressional authorization (based on exact military details) to finance any military operation by foreign forces in Laos, South Vietnam, North Vietnam, Thailand, Cambodia and Burma.

Comment: (1) The financing of Thai irregulars could be considered a "military operation by foreign forces" and the specific authorization required by this new section would be handled by the Foreign Relations and Foreign Affairs Committees, consistent with the policy established in new section 512 above for the control by these Committees of all "military assistance" for Laos, Thailand, South Vietnam, or Cambodia. (2) Funds for Thai irregulars in Laos and ARVN incursions into sanctuary areas are contained in the Defense Procurement Authorization Act for FY 1972 which would appear to satisfy the requirement in new section 513 for specific authorization. However, a question could be raised as to whether that Act satisfies the other requirement in new section 513 that Congress "designate the area where military operations financed by such funds may be undertaken outside such borders."

Position: The Department of State will recommend that the provision (1) be deleted, (2) be confined to "this Act" or (3) be accompanied by legislative history to permit continuation of ongoing operations at presently funded levels.

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Bill: Page 44, line 10.

Provision: New section 655 of the Foreign Assistance Act establishes a monetary ceiling on Cambodian expenditures for FY 1972, an authorization requirement for subsequent fiscal years and related reporting requirements. Combat air operations over Cambodia are the only expenditures excluded from the ceiling.

Comment: The language is so broad that it could include all U. S. activities in any way related to Cambodia wherever conducted including [redacted] In this respect, the provision is similar to the Symington amendment on Laos in the Defense Procurement Authorization Act. The Senate Foreign Relations Committee report (92-404, page 48) states that it applies to [redacted]

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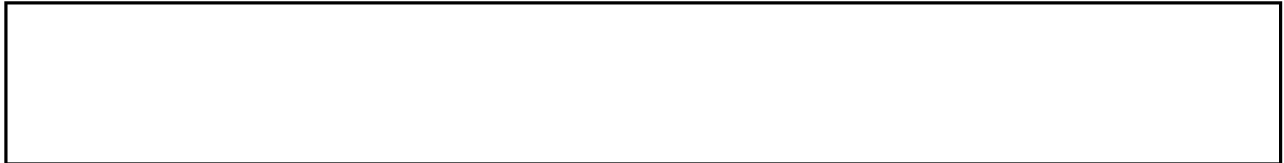
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Bill: Page 46, line 19

Provision: New section 656 of the Foreign Assistance Act establishes a personnel ceiling for Cambodia of 200 U.S. civilian and military forces and 50 non-Cambodian foreign nationals. (U.S. forces engaged in air operations in or over Cambodia which originate outside of Cambodia are excluded.)



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Position: (1) Deletion of provision, or (2) limit application of ceiling for non-Cambodian foreign nationals to those who advise or perform technical service for Cambodia.

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Bill: Page 52, line 23.

Provision: Section 402 of the bill requires any "excess defense article" (a broad term defined in section 644 (d) of the Foreign Assistance Act of 1961) granted to a foreign country by other than AID over the existing statutory ceiling for such grants, be considered an expenditure from funds appropriated under the Foreign Assistance Act of 1961 for military assistance and that the transferring agency deposit a sum equal to the value thereof into the general fund of the Treasury.

Comment: The Senate Foreign Relations Committee report (92-404, page 54) states that this provision is aimed at CIA in line with reports that "... CIA has provided and is providing surplus arms to foreign forces in Southeast Asia." Any material which the Agency might provide which could be construed to be within the definition of excess "defense articles" would be of insignificant dollar value and this provision would therefore cause us no difficulty.

Position: No objection.

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Bill: Page 60, line 13

Provision: Section 408 of the bill would prohibit the use of funds authorized by this or any other act to finance "advisers" to or for Cambodian "military, paramilitary, police, or other security or intelligence forces."



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Position: No objection.

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Bill: Page 60, line 22.

Provision: Section 409 (1) of the bill expands to all U. S. agencies the existing provision against paying free world forces in Vietnam at higher levels than U. S. troops.

Comment: The Senate Foreign Relations Committee report (92-404, page 60) states this provision is designed to close a loophole which would permit funds available to CIA to be used to circumvent the existing prohibition which applies only to funds appropriated for use by U. S. Armed Forces. CIA funds are not being used to circumvent the existing prohibition.

Position: No objection.

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Bill: Page 61, line 3.

Provisions: Section 409 (2) of the bill expands existing reporting requirements to the Congress with respect to defense articles (a broadly defined term in section 644 (d) of the Foreign Assistance Act of 1961) to include defense articles furnished with funds of any agency.

Comment: This provision would preclude the covert support, in the form of defense articles, to South Vietnamese forces, other free world forces in Vietnam or the local forces in Laos or Thailand, in circumstances where public revelation would be against the national interest of the United States, and/or the recipient.

Position: Amend provision so that it would apply only to those defense articles furnished from funds authorized under the Foreign Assistance Act or the Foreign Military Sales Act.

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Bill: Page 57, line 3

Provision: Section 405(b) of the bill requires the State Department to keep the Foreign Relations and Foreign Affairs Committees currently and fully informed with respect to all responsibilities and activities conducted by U.S. agencies outside of the U.S. and requires any such agency to furnish any information requested by either Committee related to such activity and responsibility.

Comment: This, in effect, would subject the CIA to the legislative oversight of the Senate Foreign Relations Committee and House Foreign Affairs Committee. It is assumed that the existing oversight committees continue to believe that they alone should be informed concerning extremely sensitive intelligence operations and other sensitive activities which the Agency conducts. The Director of Central Intelligence regularly briefs the Senate Foreign Relations Committee and House Foreign Affairs Committee on world developments and responds to specific requests from these Committees for other briefings on matters within their purview, an arrangement compatible with both the Director's responsibilities for protecting intelligence sources and methods and the jurisdictional responsibility of the Armed Services and Appropriations Committees.

Position: This provision should be modified to limit the State Department's reporting responsibility to matters within the State Department's jurisdiction, leaving other agencies operating overseas responsible for reporting to the appropriate standing committees with jurisdiction over their activities. Appropriate modifying language has been given to the staff of the Senate Armed Services Committee.

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